

49

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NUMBER

U.S. DISTRICT COURT
WEST. DIST. OF WISCONSIN

JUL - 1 2002

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JOSEPH W. SKUPNIEWITZ, CLERK
CASE
NUMBER

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NEIL GAIMAN and
MARVELS AND MIRACLES, L.L.C.,

Plaintiffs,

v.

TODD MCFARLANE,
TODD MCFARLANE PRODUCTIONS,
INC., TMP INTERNATIONAL, INC.,
MCFARLANE WORLDWIDE, INC., and
IMAGE COMICS, INC.,

Defendants.

Case No.: 02-C-0048-S

NOTICE OF MOTION AND MOTION BY PLAINTIFFS
FOR PARTIAL SUMMARY JUDGMENT

TO: R. Scott Feldmann, Esq.
Brobeck, Phleger & Harrison, LLP
38 Technology Drive
Irvine, CA 92618-5312

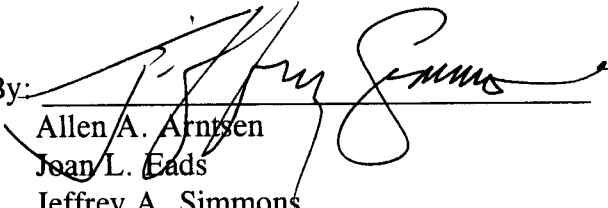
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Michael Kahn, Esq.
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St. Louis, MO 63101

PLEASE TAKE NOTICE that plaintiffs Neil Gaiman and Marvels and Miracles, LLC, hereby move the Court, pursuant to Fed. R. Civ. P. 56 for partial summary judgment dismissing the McFarlane Defendants' second counterclaim and ninth affirmative defense, both of which relate to alleged fraud by plaintiff Gaiman. The grounds for this motion are set forth in the brief plaintiffs' have filed with this motion.

Dated this 15th day of July, 2002.

FOLEY & LARDNER

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DOCKET
NUMBER

U.S. DISTRICT COURT
WEST. DIST. OF WISCONSIN

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

02-1002

NEIL GAIMAN, and
MARVELS AND MIRACLES, LLC,

Plaintiffs,

Case No.: 02-1002-S

FILED/RECEIVED
JOSEPH W. SKUPNIEWITZ, CLERK
CASE
NUMBER

v.

TODD MCFARLANE,
TODD MCFARLANE PRODUCTIONS, INC.,
TMP INTERNATIONAL, INC.,
MCFARLANE WORLDWIDE, INC., and
IMAGE COMICS, INC.,

Defendants.

CERTIFICATE OF SERVICE

I, Brenda Allen-Johnson, hereby certify that I am an employee of Foley & Lardner, that on the 1st of July, 2002, I caused true and correct copies of the following documents:

1. Notice of Motion and Motion by Plaintiffs' for Partial Summary Judgment;
2. Plaintiffs' Brief In Support of Motion for Partial Summary Judgement;
3. Second Declaration of Neil Gaiman;
4. Affidavit of Melanie Cook;
5. Affidavit of Jeffrey A. Simmons; and
6. Plaintiffs' Proposed Findings of Fact and Conclusions of Law in Support of Motion for Summary Judgment.

to be served on counsel for defendants as shown below:

Via Hand Delivery:

Todd G. Smith, Esq.
LaFollette, Godfrey & Kahn
One East Main Street, Suite 500
Madison, WI 53703

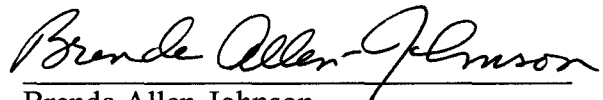
Via Facsimile [Brief Only] and All Documents by U.S. Mail:

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